

Drawings in Chancery.

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Of Pleadings
in
Chancery.



Of Pleadings in Chancery

If the cause in which suit is filed
is instituted and conducted?

As suit in Chancery is commenced on behalf of a subject by presenting a Bill in name of a Petition to the Chancellor
or to the King, if the Chancellor is a Judge. May 23, 185

In name the petition is to the Court of Chancery "setting forth
as" in a Bill of Chancery

If the suit in Eng. L. is in behalf of the cause the complaint is
called an information exhibited by the party Court or Chancellor
filed 7, 22, 1862, 22, 37, 1863, 24 June 1863.

but the Bill or Information usually called in Eng. L. and the Eng.
Bill is same title now, in general called in the Eng. L. a
Bill, &c. &c. Bill. 1864.

Every Bill must be founded on one or more of the grounds of quantum
jurisdiction, but jurisdiction in cause, does not extend to a decision
of the subject in controversy. 1868, 32, 367.

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in some, it is only auxiliary to the decision of another court, or a future suit. 1 Hil. 8. 22. 100. 148. 121. 160. — In the former, relief is prayed; in the latter, not — In some cases also, where there is no actual injury, pro-visional relief may be prayed against a threatened wrong. Hil. 8. Bk. Ch. 221. 1 Hil. 284.

And in Eng^t the High C^t of Ch^c has cognizance of bills for the removal of suits from inferior equitable jurisdictions to itself by writ of certiorari. 1 Hil. 8. 9. Not so here.

Eng^t Bills except that for a citation requires an answer by the party. This is in writing and becomes a part of the court roll, called here the word. Hil. 9. 247.

In Eng^t the answer is sworn to, except when a trust, a corporation registered is suit. In the first case sworn it is made upon the name of trust in the last under the corporation seal. Hil. 9. —

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The office of a pleader in drawing up a pleading, and the object of the Bill, will help one to discern what the Bill is, and the quality of the pleading - and the court will determine in a diversity, the manner in which it is to be construed. See *100. 39. m.*

To every Bill, except for a billiard, the object or main object in view may easily be discerned, and ought to be ascertained - else the court, in making a decree, may be deceived, or even may suffer right to be injured in judgment. See *10. 11. 27. 8.*

It is said on a Bill for recovery of a sum of money, paid, on the 1st Aug^t 1811 - that my son, John, was sent to me, and I directed him to send you one - and he sent in account - And the son, John, is still in my service, now. The inquiry is admissible.

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in other cases, is not compelled to do so, to make out the answer, than that the allegations in the bill are not true, and even this is often done. Then, if he having a remedy, he can enforce it, at large, and his action is not diminished by.

The defendant, with a plaintiff named, John, and John was a citizen of England, and not of the United States, and John had given to the plaintiff John, one hundred and thirty pounds, sterling. N.H. B. - 1. 1. 17, 681.

2. When you are compelled to do so by the plaintiff, he will not be entitled to any action by the defendant, and the plaintiff will not be entitled to any action by the plaintiff.

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The two modes of action may be used in one cause, if
affiliated, respectively to different and distinct parts of the Bill.
17. 18. 19. 20.

and the right and the remedy of demanding it, by
returning all interest in the matter in question. The proceeding
is treated in section 1. No. 14.

1. A complaint admits the other to be compelled to make a defence —
when it, if in favor of the party, is not to be admitted, or to
be rejected, as the complaint extends. 1. 17. 18. —
Personal defence —

If the complaint is denied, the party makes a counter-complaint.
This may be done by filing, upon a summons of interrogatories;
and set by a demands of the same expenses. Art. 16. 17. —
This may be done in the same process, the complaint is an affirmative
and defence. —

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2. The plea comes for the proof or denial or admission or re
the admission which it does not deny. Art. 10. 128. 2. 306. 51.

But a disagreement in the sufficiency of the plea, is not admitted if
in face of not just any difference in the sufficiency it is admitted by a re
specification & they do not call it in face of not sufficient. Art. 15. In this
case the specification does not relate to the pleadings. Art. 15.

3. The plea is general, it applies to all the pleadings
except where it is expressly applied to one or more of them.
Art. 17. It is not general in itself. Art. 6. 8.

4. The plea generally comes the plea defences as a part
of them - and states the fact to which the plea applies as a
subset of the fact. Art. 15.

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and then it may be however, to the first objection, and with a notice of my other note, namely the note of Argument of the Clerk, No. 16.

I do however admit the material allegation in the Bill, in case as before, or make up, as well as willing to waive; as further pleading is necessary and convenient, (See p. 17)

But if the answer does not admit the material facts, in either way, which will not admit; the said of the answer, or if any part of it may be admitted, as above, and contains the following. (See p. 255.)

¶ Pleadings, as it stands no right is left, and service may stand as to the matter of the following.

¶ —

¶ And as for the other, in a case, the most proper for the same, has the following. (See p. 256.)

Of Pleadings in Chancery —

When the suit is not a replevin a court from a lower jurisdiction to a higher defense - and of course in pleading before the High Court - Sec. 1. 2.

Of the manner in which suits in Chancery are instituted and conducted.

When a Writ of Summons is sufficient, or the suit in its original form proves inadequate to its object. By reason of intervening accidents, as often happens - a new suit may become necessary to add to, continue, or set in operative, the original suit, Art. 18. —

For a suit commenced by one, may be a suit by another, necessary either for the purpose of defence, or of a full decision on the rights of all parties - a judgment rendered may in some cases be respondeat or avoided by a second suit - or a second suit may be necessary to give effect to a former judgment - Art. 18.

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Suite for any of these pretences are commenced by Bills—Hence
divided into many of the Divisions under which, the different kinds
of Bills are classified. See 18.

These are divided in the Draft of a Bill are generally rejected
or rejected after an amendment, or a Supplementary Bill
See 19. — or in the second, by amendment or by
further answer. See 19. —

By and against whom a Bill may be exhibited?

Generally, all persons and bodies may exhibit Bills in
Chancery. In England attorneys, commissioners, attorneys &
on a certain extent, the manufacturer & seller.

Bill of Sale, charge, and rights and liabilities cannot be in the
same Bill See 18. See 24 & 185, Ann. 218.

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1. An infant in Chancery in his next friend - The court will permit the next to commence a suit in his behalf in the name of the infant. (Art. 26. 8 in Ch. 376. 1 Adm. 578.) and the consent of the infant is not required. Art. 25. 4. After a Decree S. C. L. 68.

2. The next friend ad litem for the infant. Art. 26. Ad. 708. 2. Ch. 6. 288
2. P. W. 297.

3. If the infant attains 21. & the ~~next friend~~ is a minor, then ~~he~~ he is liable for the ~~next friend~~ art. Art. 26. Ad. 708.

4. If the next friend, ~~minor~~ is a minor, can only sue in the name of the infant, so far as relates the cause. But if it be necessary his name may, (from 376th to the court be erased, and that of another inserted.) Art. 26. 3. Adm. 571. Ch. 6. 708.

5. The infant's consent is necessary (and) if it be presented to the court that the suit is of the infant's benefit, the court by way of its officer, will enquire into the fact & if the representation is sound true, the proceeding will be stayed. Art. 27. 3. Ch. 6. 708.

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Of Proceedings in Chancery

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3. Plots & Lunatics, are in Eng. by the Committee of the Estates
i.e. made to inform the society of the persons and estates in "com-
mitted" by the Chancery - Art 28. 3 P. W. 106. 133. Cas. abt 279.

Not the Plotting here, in some instances, Plot & Lunatics, for
which it is being considered as made to describe persons of
the Crown - Art. 28. 4 P. W. 269. - Cas. abt 112. 108.

In Sect. 3. are by the Committee, appointed by the court
of Com. Pl., Stat. Pow. 283.

Wills in Chancery be exhibited against persons and properties
Art. 29.

When first against a person, in the usual manner, as
is made a plaint except in the case of his testament, by which
Art. 95. 96. 3 8th 478. 2 Pow. 104. 610. - 2. If he claims in protection
to him or disables his defence; who may obtain an order
to defend separately. 2 Pow. 30. 3. (q. 22. 55. - 3. 3d 102. a. 2d
in a suit and makes his def. in est. separately. 3 8th 478)

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4. If he is without the jurisdiction, or cannot be found (2 Bern. 613
Pr. in Ch. 328) In all these cases she defences ~~so~~, per se sole
Act. 10.

When an idiot or lunatic is sued, the Com^{ee} of his estate
must be made a party, deft. in Eng. - his conservator
in Cont. (Mil. 29. 94. 5. St. Cont. 238) - The committee is
appointed by the court of course, guardian for the defendant
If he has no committee, or the committee has an opposite
interest: Court of Points discretion ad litem. (2 Bac. 582.
Act. 359. Mil. 94) - So if deft. is by age or infirmit re-
duced to second infancy, (Mil. 94. Pr. Ch. 409) -

or alij. deft. in several claims in different persons
standing in the same relative situation cannot be joined
in one suit. - Ex. Land contracted to be sold in parcels
to several, they cannot join in a suit for specific or con-
1 East 227. age -

Of the several kinds of Bills.

Bills are divided into three kinds:

I. Original Bills - Those relate to some matter, not by any
one acted in the court, by the same parties, standing in the
same int^{er}est. (Act. 21. Mil. 19.) -

II. Bills not original - which are either in conflict with one or more
original Bills, (2 Bac. 31. 50)

III Bills in ~~of~~ respects of original bills - are Bills
occurred by some former bill, & the object of them is to
obtain the benefit of some former suit or judgment, or
as reward of some former action. Art. 33. 4. 36.

These are not, strictly, original bills; because they date &
are not the original ^{of} bills. No original bill ~~not~~ ^{is} original
because they do not ^{date} from the time of the
original bill, but ^{date} from the time of the original relief -

I Original: - These are divided into bills praying relief &
bills not praying relief. Art. 32.

An original bill ~~is~~ one ^{of} two ^{or} more ^{or} more

1. A Bill; praying the decree of the court, respecting some right
claimed by the party in opposition to some right, claimed by the party
Art. 32. -

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2. A Writ of interpleader - i.e. a Writ claiming no right, in opposition to the rights claimed by others - but still bringing a claim sounding the rights of the debtors, in the effects of the party. Art. 30. 47. 8. 125. Hinde 26. —

III. A Writ, for giving for a writ of habeas corpus to remove a cause from an inferior jurisdiction. Art. 33. 29. Hinde 28.

regards not proceeding which are of two kinds: —

1. Writs to repetitio the testimony of witnesses. Art. 33. 30. 130.
2. Writs for discovery of facts existing in the knowledge of the debtors, or debtors, writings &c. in his custody or power. Art. 33. 32. 130. 148. Hinde 32.

2. Bills not signed - are one of 3 kinds.

3. Supplemental bills. A bill of this kind is merely an addition to the original bill. 1. Act 33, 1803. 379.

2. Bills of review - a bill of this kind is a continuation of the original bill when by reason of the death of a party, or the mariage of a spouse party, the suit in its original form cannot proceed.

3. Of Review & Supplement. A bill of this kind both continues the original suit and supplies defects arising since its institution.
Act 33 -

3. Bills in the nature of original Bills - Of these the subdivisions are numerous -

I. A cross-bill, started by the defendant in the suit or by the plaintiff in the suit in continuation. Act. 75.

II. A Bill of review to reopen and reverse a decree of a former Court. Act. 33.

III. A Bill in nature of a bill of review - but by means invoiced by the former decease. Act. 33.

IV. To impeach a decree, on the ground of fraud. Act. 84.

V. To supplement a decree, and to reinstate it in its original form, on the ground of certain causes arising subsequent to it. Act. 85.

VI. To carry a decree into execution. Act. 86.

VII. For novation of a bill of review - it has in certain cases not been done by the plaintiff or defendant in the original bill - Act. 66. 88.

VIII. The notice of a supplemental bill. Act. 67. 87. Act. 34. 5.

Of the structure and end
of the several kinds of Bills - Q

1. Original. 2. not original. 3. in the nature of original. That are

1. Of original bills: the consideration of these will in a great measure involve the consideration of bills in general).

I. For a ~~for~~ giving relief - II. there not giving relief.

First: - Original bills for giving the record of the court reciting some right claimed by the party in opposition, to some right claimed by op: must show the right, or interest of the party - the nature of the inquiry; or in what he needs the assistance of the court - and that he is without adequate remedy at law. Art. 87. 20. 1. Not. 878. —

2. In Eng^d. the bill always forgoes, that the def^t. may answer in cross oath, the several matters charged. Art. 87. 43. —

3. In C. the party does not forgo an answering def^t. except in bills for discovery, of which first, and in cases in which he is willing to rec^t upon defo^t evidence - and in these cases he must state, that he cannot obtain defo^t evidence. In this way, he may forgo for cross oath, or for discovery and relief as in Eng^d. and he may bring a discovery oath to forfeit of the bill, and bring the oath by cross oath evidence. 1. Not. 878.

The remedy for an error is that the attorney - and only according to his discretion, but according to his conscience, information and belief - and for evident reason, he may insert any other particulars, respecting any material fact misigned. Act. 40. 4. —

The bill thus prays for relief, the nature of which is various according to the nature of the case. Act. 37. 38. 45. —

The usual mode is to pray for particular relief, to which the plf. waives himself entitled and then to add by way of caption a general power of such relief, as the case may require. Act. 38. 9. 10.
2 Mod. 91. 2. 1 Mod. 578. —

The power of particular relief may be framed with a peculiar object — i.e. it may ask for this or that relief in the alternative as the court may judge proper. Act. 37. 2. 802. 825. —

But it seems, that a process of several relief is, of itself, sufficient, and that the court may under such a process, adopt the relief to the case. Act. 88. q. 2. 8th s. 141. 3 8th 182. 2 Nov. 225. 1 Nov. 572.

Lastly, the Bill in Eng. ^{of} Prays that a writ of subpœna may issue to require the party appeared and answered Act. 87. 8. This is no part of the Bill in Comit. Parcels is intended to accord if issues with the Bill. It is in form a summons, or citation to def. leaving it optional with him, except where a discovery is prayed for, to appear and show cause to or not - and is signed by second magistrate, as ordinary common law process is. —

All persons concerned in the demand, or who may be affected by the relief prayed, ought to be made parties if within the jurisdiction. Pr. Ch. 88. 2 8th 510. But if necessary parties are omitted or unjustly inserted the court will in general, permit the proper alterations to be made Act. 89. —

Plaint in Eng. is to charge a combination of persons with others unknown to plff. & for the purpose of adding their names if necessary, but this seems an unnecessary form. Hil. 40.

Is Conn' when it is discovered that others ought to be added, as after the court in general will on motion, continue the cause, that they may be called?

Plaint is general to the suit and specifically neither plff's knowledge should be utilized, but only and with certainty as material facts at law should be. Hil. 40. 1. & Hil. 56.

Second, as to facts, charged to exist in life & knowledge, or which of these exist, or not within his knowledge, and which are the subject of point of the discovery process - A precise allegation not necessary in these cases - Hil. 41.

Plaint is general to the suit & of course a combination of facts of Justice. But the court should make a specification of a provisional suit, before the merits are decided. A specification to restrain def. from proceeding at law from commencing and not settling Hil. 46. Afterwards joined or made settled -

In such cases it is usual to insert in the Bill, before the
power of proceeding for the official order is required
and then the Bill is commonly named from the order or
until so prayed as an immination Bill &c. Art. 46. —

Provisional injunctions to stay for proceedings at law,
not where, I believe, in Court. The court of law will
continue the suit as long as is necessary, on motion.

Any bill in Eng^d is signed by counsel; and if it
contain matter criminal, libelous or scandalous,
it shall be exposed, and the counsel may pay
costs to the party aggrieved. But nothing scandalous
is considered scandalous. Art. 47. 1 Ch. Rob. 194. 20 ex. 24
Line 394.

See no in Connecticut —

Soc. & W. of independ. - In these the party claims no right, in opposition to any rights, claimed by others.

This bill is the proper remedy of a person holding property or being subject to a debt, claimed otherwise by two or more persons, he not knowing to whom of the claimants he ought to rendeit it. Act. 83. §7-8 125. Com. 303. 1 C. & B. 80. 2 C. & B. 175. 1 B. & R. 27.

Under these circumstances, he may exhibit a Bill of inter-pleader against the claimants, praying that they may interpose, & that the court may give to whom the thing belongs, and that he may be independ. Act. 46. & Es. Law. 46. 130.

But if a suit at law is already commenced against him, by either of the claimants; he should also pray, that the party at law may be restrained from proceeding till the right is determined. Act. 48.

The party in the bill must state his own rights and their several claims, to show that equitable interposition is necessary. Act. 48. —

his will does not stand to ordinary course of trial;

as the parties, in those cases may be compelled to enter
plea's at law. Art. 48.

16. The ground of the suit is the suspicion of the party being
sued; & the court will not permit the proceeding to be
more deliberate, to give an advantage to either party—
or to delay the payment of money due from the party.
Art. 48.

17. If the party sues to the bill an affidavit, that
there is no deliberation—and if money is due from him;
he must bring it into court, or at least offer in his will,
to do it. Art. 49. Sec. 208.

18. Thirdly—Contumacy bills—pursuing a suit of that
name, to remove a cause from an inferior equitable
jurisdiction. No subpoena purposed me appearance
by affidavit—or pleading begun the bill. Art. 49. 50.
The bill states merely the proceedings below—The
inconsistency of the cause and purges the suit. Art. 49.—
Thus far of original bill bringing relief—

2. Of original bills not praying relief. Alz.

1. Bills to perpetuate the testimony of witnesses

2. Bills of discovery.

3rd A bill to perpetuate, must state the matter, to which the testimony is to apply and how that party was an interest in the subject. Act 50. Finch's C. 391. 1 R. 1. 277.

It should also show an interest in the debt to contest either bill — so soon as the existence? Act 51.

It should show that the facts, to which the testimony will relate cannot immediately be investigated in a court of law as if party in the undisturbed possession of the subject, or that before an investigation can be had, some material witness is likely to die or depart the realm (state). Act 51. 131. 1 C. Will. 11. c. 3 R. 2. 13th. 150. 16. inde 32.

The bill then prays leave to examine the witness, that the testimony may be preserved and perpetuated. Act 51.

The deposition generally taken by witnesses affidated by the court for that purpose. Blinde 22. 401. 2.

Secondly — A Bill of Discovery

In Eng^t very old, requiring an accuse & a Bill of descent
or at least prize a discovery Art 52.

But the Bill, distinguished by that title, is the Bill for
the discovery of facts existing in the knowledge of either
or of deceit, writing &c in the custody of Power, & knowing
no relig. Art 52. Rule 36.

This Bill is commonly used, in aid of the jurisdiction of
some other court which cannot control a discovery — Ex.
to enable the party to prosecute or defend in a suit at law
Art 52. 1 Ch^t 283. 1 D^r 205. 2 Ch^t 451.

to the word state the object of the discovery — The intention
of the party and def. in the suit and the parties right to a
discovery. Art 52. Rule 36 to

Now a bill reciting a remedy & leaving such relief as might be obtained at law if they were in full possession he must answer as standard, but they are not in ⁱⁿ custody & and then he knows not where it stands in legal terms. At. 82. R. 67. - law when discovery only is sought & Conn 24. 2 C. W. 54. 3 At. 102.

2d. Is an affidavit necessary in Conn in the former case? Perhaps not. That is - At. 65 -

II. Title not original - big amendment - ? of revision -
3 of revision and enforcement - At. 83. 85 -

Now are in addition to a continuance of an original bill, or
both

Remarks. A bill, imperfect in its form, may generally be perfected by amendment - But when the state of the proceedings permits an amendment, a new bill, not old is necessary. At. 82.

So, a suit, originally perfect, may become defective; by subsequent events - as, by change of name, death of parties - In these cases also, a new suit may be necessary. Art. 32. 4. Linde 42. 3.

Now, if the interest of a party in the subject of the suit becomes vested in another, pending the suit, the suit in its original form, generally becomes defective. Art. 33. Linde 42. 3.

And if such change of interest is occasioned by the death of a party whose interest is not vested by death or by the marriage of a female party, the suit becomes in part or whole discontinued. Art. 65. - And if the party dying, or female marriage, is proper, the whole proceedings are in general discontinued. Id. - See Dr. L. Linde 46.

Upon the death of a party also, the proceedings are to be dismissed and his interest - But the marriage of a female party does not discontinue the proceedings. Art. 32. 4. Lin. 147.
1. Conn. 518. 1. N. 2d. 182. should be named in the subsequent proceedings - But if the interest of a party dying terminates absolutely, so as no longer to affect the suit, it does not abate. Art. 57. Ex. Death of wife for life

So if the interest of the party dying, devolves to another
Ex. one of two ex^s - So if husband dies being a joint
party with his wife, in her right) Act. 56.2 Cor. 249.
3 Act. 726.

Th' if on the death of the husband, he and his wife being
sister, she does not proceed in the cause, it will be
considered as abated - and she not liable for the costs
Act. 57.

(See a note to a Bill of Distribution, there is generally an end
of the suit as to her - as his death does not discontinue
it. Act. 57. 1 Cor. 351.

It is a general rule, that of wife's right, in the event of
the suit, is transferred to another, bearing the cause;
the latter may sue abate in it, & discontinue and
continue it if abated. Act. 58.

the right of wife's right in the event it is transferred to the
wife may discontinue & continue it, provided the person to
whom it is abated. Act. 58.

The means of supplying defects & amending are

1. By Supplemental Bill —

Since the importation of a suit may form a defect in the original bill, or the Proceedings upon it, and not from any subsequent event, it may be perfected by an addition in a supplemental bill. — 2. Committee is being proposed — new matter put in issue — Parties notified — where the state of the laws will not allow of amendment. Art. 57. 3 Art. 57. 2 Ch. Rep. 142 —

And this may be done, as well after a suit, as before.
Art. 57. 3 Art. 153. 110. 297.

This bill is never allowed, where the suit can be obtained by complaint. Art. 60.

This bill also confuses defects, considered by one subsequent — or by alteration in the interest of a party;
or a new interest in one not a party &c. Art. 60.
1 Art. 291. 3 Art. 297.

If the interest of a sole ~~prop~~ owing in another's estate determines by death &c. and another becomes entitled to it, it may be added to & continued by supplemental bill. Ex. Death or removal of a signer of his will. Art. 61. 1 Will 88. 89. 3 16. 28. See in Ch. 17. 2. 21. 22. 23. 2. Ex. Law Abs. 3. 4. To have the question of title in the prop is not varied 2 months the same

But if a sole ~~prop~~ owing in his own right, is deprived of or leaves with his interest in the subject premises etc.; the benefit of the suit cannot be obtained by supplemental bill but by one in nature of re — Ex. prop becomes bankrupt, or sells his prop? Art. 62. Com. & L. 88.

The reason is, that here the question of title is entirely misled — ex: a new original bill in Ch. 17. Art. 89.

6. If the whole interest of a def. is determined and the subject vested in another, not claiming under the def.; the benefit of the suit not recovered by supplemental bill. Ex. test in test left dead — and recomm vests — Prop bill lies and recomm now — but one in nature of re. Art. 62. 63. 67. 89.
However, that interest and title are distinct — new mons — new judgment smaller — new party not bound by former acts —

law, if ~~other~~ interest is not ~~clearly~~ determined but merely vested in another. Ex. If he hires or leases -
these debts to another and suit commenced by ~~such~~ original bill - for the purchase is subject to the same equity, as grantor - and suit may not then be defeated by ~~other~~ bill. Art. 60. 1 C. B. 87.

2. Bills of review:

When a suit is abated by death and the interest of the deceased party is transmitted to his representative, unclaimed by law - so that the person only, and not the title of the representative is to be ascertained by the court. Such continuing bill of review. Art. 63. 4. 1 B. & P. 579. —

So if a suit is abated by marriage of a female with Art. 64. The question of title is the same as before.

3. Bills of review and supplement:

If for a suit is abated by death or otherwise, the rights of the parties are affected in the event, as by a supplement of the original - a bill of review and supplement is required to bring the case properly before the court. Art. 63. 5.

Supplemental bill not suff. because the suit requires a ~~judgment~~
 (i.e. ~~judgment~~) - and as above to - and a bill of review only
 is not sufficient; because the suit requires ~~judgment~~, as well
 as well as review - The bill under consideration is a
~~bill of review~~ - Art. 65, 74.

4. If the suit of a party, whose interest is not determinate,
 is attended with such a transmigration of the interest, that the
 title to it may be alleged in the action of the three former
 bills with great advantage to the party, it may be
 in due time of a bill of review Art. 65, 74. - See Case of
real estate, 1. Merely 44. 1 Ch. 3 (Am. 153. 3. Chitely 39. - 1. st -
 1. Eq. Cas. No. 2. 1. Scm. 427. 2. It. 548. 672. 2. Pro. P. C. 529.

5. If the interest of a party wholly ceases, and the cause of action
 ends in another, not continuing under him; whether of those bills
 will suffice - but a bill of a Supplemental bill. Art. 65
 62. 87. - See real estate, succession note with Continuing
interests, etc. - 2. Eq. Cas. 3. 2. Pro. P. C. 500. 488. (2d)

Of the structure of
Bills not original.

Supplemental - One must state the original bill - the
proceedings upon it - and (if measured by any court
subsequent) it must state the cost, and the subsequent
alteration in the suit - And in general it ^{for} says in Eng.
(not in Conn. generally) that the cost in dollars, may appear
and account. Act. 67. 3 11th 217. Article 43. 4. 1 West 377 -

If the court subsequent makes an alteration in the interest
of a party or of a person necessary to be made a party, the bill
may be exhibited ag^t the ~~same~~ ^{same} cause, without the other
defts - and may pray a decree when the supplemental
matter, ag^t them alone - and in the interest of the ~~other~~
may be affected by it. May. 3 Oct 217. -

And where the bill is filed for the purpose of bringing
new parties before the court no deft - the original deft need
not be made a partie to it. Act 70. 3 11th 217. -

2. Bill of review. This must state the original Bill - the decree when it was settled by death & it must show a right to revive the cause, and pray that it may be revived. Act 70. 16 Inst 48. 3 P.M. 5.18. 1 Recd 5.27.

And it may be necessary to pray an order. Act 70. 5.1. 7.2.

The object of this Bill is to put the court in the situation in which it was, at the time of the settlement, and to execute it. Act 70. 5.1. 7.2. 3.

In a case, if in the original suit you file a Bill of review the plaintiff party does not - for then the rights of the parties are continued, and both are entitled to the benefit of the decree. Act 70. Recd in Court 177. 1. 2. 2. 3. 1864 691. 2 Recd 295.

In this case the Bill merely substantiates the suit - but it must bring before the court, all the parties concerned, to the benefit. Act 70. 1. 2. 2. 3.

A court order, always to settle as to put out of the original matter, as one to suit by one bill, and one to the other, by another. Act 70. The plaintiff of the bill, and the deceased party in the suit, and fourthly in his general representation. Act 70. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 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3. A Bill of review and supplement, being merely a
compound of the two former kinds, is framed & presented
with its separate parts, according to those we use.
Sectively. Art. 74.

III. Bills in the nature of original. of 8. Pences. Art. 74.
1. Croft-bills. Brought by us in a former bill pending agt
Mr. or other parties, touching the matter in question
under the former. Art. 75.

Usually tried to obtain a discovery or full relief to all
parties. P. 75.

It may be tried by one or more debts agt Mr. or other
debt. This is necessary if a question arises between
different debts, for the purpose of bringing the whole
matter before the court together. Art. 75.

It is not clear to me what are boundaries when it comes to the rights of the party exhibiting it, i.e. the ground on which it is founded. Art. 75. 6.

It is in the nature of a defence or fundamental principle as in the determination of the matter already in question. Art. 76.
3 Ch. 812. R. 160.

Then when two opposite parties come to a new ground of opposed claims, (as in a revised) a new bill may be necessary to take care of it Art. 76. 7. 3 Ch. Ch. 19.

So when a court, in its original form, cannot settle the rights of all the parties; as when conflicts and opposite interests a new bill by one or more of them is then regularly made of bringing all the rights of all the parties to a satisfaction— Art. 77. 2 Ch. Ch. 248. 3 Ch. 110. 1 Note 579.

2. Role of review-book to formulate an examination and review of a device by one or more court signed and sealed— Art. 78.—

May be used upon new application on the device, when the same of new matter. Art. 78. 1 Ch. Ch. 24. 1 Ch. 282. Ch. Ch. 293. 3 Ch. 272.

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When ~~the~~ ~~bill~~ ~~which~~ ~~was~~ ~~in~~ ~~the~~ ~~case~~ ~~is~~ ~~not~~ ~~allowed~~, it ~~is~~ ~~reconsidered~~, in
its ~~first~~ ~~and~~ ~~last~~ ~~stage~~ an application for a ~~new~~ ~~trial~~ is
made (1 H. & 579). When when no ~~new~~ ~~trial~~, a ~~bill~~
~~of~~ ~~complaint~~.

But in England, as George says, if the error is appear-
ant on the record a bill of error is the proper remedy.
Law does he, mean then, that a Bill of review is not
proper in such case? (1 H. & 579.) An application
to Judicature does the same case in England. But still
the Bill does not go to judicature. (1 H. & 579, 1 B. & C. 416, 418.)

It lies in England after an affidavit in Prob. Rec. —
In U. S. the alleged error is referred (1 H. & 579, 1 B. & C. 416, 418).

On a bill of review, a new bill has been referred;
a new bill of error and retrial may be tried on the record
of referred. (1 H. & 579, 1 B. & C. 417.)

58.

In Eng^l a lapse of twenty years from the time of
paying the decree, is a bar to the suit - and after a
demurrer has been allowed, to any bill of review, &
now one cannot be put in court round. Act 79. 97.
1 Br. C. C. 78. 3 Id. 460. 6 Id. 275. 1 Br. C. C. 183. 417. 441.
2 Id. 120.

It is a rule of the court in Eng^l that the expenses of the bill
shall not prevent the execution of the decree - unless if money
has been awarded to be paid, it is regularly, to be paid before
the bill and act 80. 2 Br. C. C. 24 -

This bill takes the former bill for proceedings to decree
the point in which fault is exercised - and the year, or new
matter discovered. Act 80. 3. Ch². Feb. 45. 46. Act 80. 1.

If the original suitor has not been settled into execution, it is
sufficient for a reversal - if however, fault should also
occur in reversal - in the suit in which the Act 80. 1.

To reverse this bill negating the point should have been
convicted to the fact that the prosecution was in fact - or
the decree may be covered by a species of supplementary
bill. Act 80. 2. Feb. 40. 3. 2. 46. 811 -

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Of the structure and end of
the several kinds of Bills continued?

5. Of Bills in the nature of Bills of review, but by one
not bound by the former decree. As where the
decrees are of a person having no interest - or not
enough interest to could make the decree binding upon
another claiming the same as a subsisting interest.
Art. 84. 88. 1 - Ch. 6a. 272.

6. in reverse of terms for life, affecting the rights
of remainder man in tail or in fee - The latter may
have the title - It must show the error in the decree
the incompetency of the former party (or tenth for life)
to execute the title - His own interest - and power
a review, and rehearing and reversal by the opposite
party. Art. 88. -

7. To impeach a decree of a friend. In this case the
court will reverse the parties to their former situation.
Art. 84. 2 Ch. 70. 3 Ch. 11. 1 Bro. Ch. 414. -

It lies not only in cases of direct fraud, but in others,
but in others having the same operation. Or where a decree
is made by trustee, the trustee not being a
party, and the trust not ascertained, and in similar cases.
Art. 84. 6. 1 Ch. 6a. 131-2. 3 Ch. 5. 2. 92-.

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4. At the suit of an injured party has been made
against an infant. Art. 85. 1 Ch. R. 707. 2 Com. 232.-

The bill must state the decree and previous proceedings
and the circumstances of suit &c. Art. 85.-

5. To enjoin a decree, made in general circumstances, or remand
it for more particular when the course of proceeding
and for his protection, he can take every step, from
remanding it to the day when may be had it, and make
a new decree for the matter again. Art. 85. 1 Ch. R.
61. 2. 230. 2 I. 8.

6. To vary a decree into another. Art. 85. here from the
negligence of parties, or other causes, the benefit of it cannot
be obtained without a further decree.

This happens rarely when the parties having neglected to
enforce it their rights under it become so embarrassed, as to
give a new decree to settle them and in some other cases
Art. 86. 2 Ch. R. 6. 128. 2 Com. 109.-

It is to be noted that an application for a conveyance
of the trust - Kit. 87. 1. Ch. 201. & P. M. 197. 4 Rec. C. 6. 168.

The court generally only refuses and does not say the
trust - but it is said, that the law of a trust ought
not to be examined, on this bill. (Kit. 87. 2 Rec. 232.
5 Rec. C. 6. 375. 1 Ch. 580. vide 1 Rec. 218. 239.)

In addition to Bill of revivor. It is that in certain
cases in which after abatement a single Bill of revivor
will not satisfy the court - Ex. where the interest of
a party dying is so transmuted, that the title
may be disengaged in any - or in case of a devise
of the estate - want of legal priority between
them, before a successor by Bill of revivor. Kit. 88. 9.
In such cases benefit of the original suit is claimed
in this bill. Kit. 88. 66. 88. 2 Rec. 384. 672. Rec. in Ch. 139.
2 Rec. C. 529.

To state the original Bill and proceedings - the
abatement - the transmutation of the interest - and
the validity of subsequent Bill. Kit. 88.

8. On motion of supp¹ Bill. Right to obtain the benefit
of a formal trial, when the interest of supp. or supp. interests
comes into the subject in another, not the same
court. (See supp¹ Bill, 2d. Ed., and supp¹
note - supp¹ Bill, less 1st. Ed., no. of removal - See inter-
est monito - new party - cause by same date. See ss
2. 27. 89. -

9. On motion of supp¹ Bill, and for reading of the 1st Ed., the
court shall receive all the papers of the cause, & may, and
the CC of the parties, to whom transmit. See go
2. Proc. CC 280.

10. Information, follow the nature of bill, and in this case
the whole matter offered by the plaintiff by way of
interrogation and of bill. See 7 21. 40 -

Of the nature of the
several kinds of Defence

Defence is made by Barrister - plea - or answer -
Act. 97. 18. 24.

And all these may be used, if they relate more
particularly to distinct parts of the bill - Act 13.
A. 48.

L J. Defence.

The Defendant may call the witnesses of facts alleged,
but remains subject to cross-examination. Whether he shall be compelled
to answer - Act. 14. 18. 57. 94. 8 C. W. 80. 375-

The principals (Debtors &c defendants) are to pay
a recovery - to cover a defective title - i.e. I
subpoena to present an investigation of it for a
civil expense - Act. 100 -

It may be permitted to call witnesses for your part
If a defendant will not call the witnesses for your
part, the court will call them for you - Act. 100. 8 C. W. 80. 375.

1. *W. B. Moore's* *Classification*

and when no ffidavit, no court will be necessary
in Eng^t to give jurisdiction to the court, the result
of it is regt ground of discrem^d. Art. 114. 126. 130. 205.
248.

Discrem^d will hold if plf. has adequate remedy
in one court of ordinary jurisdiction as ecclesiastical
in Eng^t. Abstain here. Art. 114.

In a great variety of the instances the jurisdiction
may be defective and in all these, regularly a
remedy will hold. Art. 116. 132.

If another court of Equity has the proper
jurisdiction of the suit, deft may desire to the
jurisdiction. Art. 134. 137. 139. 141. 142. 203-4.

Ex. Bill in the Chancery - jurisdiction in the
Com^t Pleas - But we do not usually desire
to the jurisdiction - the court will resign it, or
the remedy. So in Eng^t in some cases -
Art. 135.

Personal disability is not of sufficient urgency to be held
in a court of common law. If you want
or have cause you apply - Infant without disability
but - without consent. - Act. 185. -

But if the disability does not appear in the bill,
then you must mention it in plaint. - Act. 185. -

The plaint comes as near as possible to state the disability
as you want to relief. - Act. 36.

But you have no right in the subject - or no title
to institute the suit in a court of common -
if you receive under a will from the construction
of which it is obligatory that you have no title - to
it you may be in dispossession - but no right to sue
in any court under any formal letter of remonstrance
Act. 185. 2. 187. 210. 2. 188. 247. Re in the case. 3. Ch. 301.
Ch. 25. 2. Var. 33. 2. 28. 2. -

His Right also extends to Bills for discovery.
Act. 105. 9. 1 Vern. 100. 1 Eq. Cas. 234.

So that the ~~right~~ is ~~enlarged~~ - 2. to sue for Legal
costs. His Right also extends as well to a Bill
for discovery as to relief. Act 105. 190. Finch 76. 1 Mer. 5.

But if the party state a complete title, thi' a litigated,
one; a claimant will not hold as to the discovery
Ex. Norm's suit, pending a suit, to uphold the
administration. Act. 140. 1 Vern. 100. 3 P. W. 370.

Thi' the party has an interest and a right to sue, yet
for want of privity between him and the deft;
the latter may not be liable to the suit. If so, deft's
holds. Ex. A Legatee has no right to call on
testator's debts, for the satisfaction of his legacy -
Act. 141. 2 Atk. 394. -

'His difference between the personal infringement
and the deft's might afford a distinct ground
' equity, on which to claim relief - Act 141 -

Off. must also show some claim of right in self - esteem
the latter being ~~some~~. Thus, if on a bill to set aside
an award, no ~~enforce~~ one, the ~~arbitrators~~ are made ~~self~~,
they may ~~some~~ and in general not only to the relief
but to the discovery. Art. 142. 2. Eq. Law, 78. 222 in 380

180 It seems, that a bill is not to impeach an award
for any misconduct in arbitrators; they may be made
defct. Nat. 142. 2 Abb. 395. 304. 2. See 615. 377.

If a bamboozled is made off in a bill agt his agent; he may come to the recoy. Having no int. But it seems that if a discoy is caught; of his acts by law bamboozled; he must answer to that part of carrying the discoy —

¶ by reason of any defect in the resistance of the road
as disclosed by the bill, the party is not entitled to wages
the def. may demand. Art. 144.

The want of proper parties, is a sufficient ground of avoidance. Ex any joint tenant failing, husband suing alone, or a legacy given to his wife. N. 144. 5
1 Rec. Ch. 592. 1 6th Ed. 40. — Final 4. 52. 2. 202.
3 C. W. 311. 531. 2 4th Ed. 1 86. 292.

So it is the object of the rule to do complete justice, by settling the rights of all persons interested in the suit, for the safety of the parties and to prevent litigation. N. 144. —

Rule a part of the action to the estate of a deceased person may sustain a bill, in behalf of themselves and the rest, for an account of the estate and damages. But in this case, the others may come in under the accuse. N. 145. 2 Rec. 512. 513. Rec. Ch. 592.

If a sufficient record is wanting a necessary party is suggested by the bill, a demurrer will not hold. Ex. if he is resident out of the jurisdiction of the court. N. 146. Rec. Ch. 583. 2 Rec. 510. —

So if the bill seeks a discovery of the surface titles.
Art. 146. 1. Rom. 90.

I would recommend to you to ask the proper
authorities and to inquire by any means you wish to
use, but by any means not of discovery. Art. 146.

It should have been allowed, the original plan was not
to inquire of titles. Art. 146. 2. Ch. 1. 197.

That the bill seeks an inquiry of titles,
not an inquiry of titles as the causes of discovery. It
seems to have no right with any titles, and
of them being strangers to a part of the plan.
Art. 146. 2. Rom. 516. 450. And 557.

S. of the bill wishes to make a part of the plan
between the authorities of your respective titles and
Art. 148.

2. Damages to Discover.

In a bill for paying relief, as well as recovery the latter being merely in aid of the former, as in general incidental to it, so the damages to the relief, tends to the discovery also. Act 148.

But as discover is sometimes sought without relief, it may be that pay in a bill paying relief may give a title to discover? the right to relief? in which case a damaged may hold to the relief and not as to the discovery. And vice versa. Act 148.

When the bill paying relief, the recovery of material is the only thing incidental to it, as right to relief includes a right to the discover? unless something is left out to make it imperfect. Act 149.

But when bill not for paying relief, a becoming, off and not a right in which the right and the off are not in the same purpose of compelling a discover? Act 153.

Proceedings made in one of the provinces of another court
to enable ~~plaintiff~~ to prosecute in ~~England~~ —

But if the proceeding in another court is not properly
carried, or remitted to the bill will hold. 22. S. 1. 1. 1.
or information in W. B. C. H. 150. 2. 220. 348 —

Sc. if the court of enquiry places action in which the suit
is pending, can itself award a decree. H. 150. 1
1. C. 1. 288. 1. W. 205. 2. P. 451. Ex. action of Act in
Conn. —

that ~~plaintiff~~ has an interest in the subject — or such
as entitles him to a recovery from ~~defendant~~ is a sufficient
ground of demurrer. Ex. Bill for wages — money
to be used in a suit to recover at law, but
stated in cases in which it is clear either of them
will not be. H. 151. 222. P. 1. 36. 44. —

But it has no interest nor claim to the object
is a ground of demand. Art. 182. 3. 2. Rom. 382. 2. 20th 394-
1. 2d. 226. 2 C. W. 311. The object is not but the
unwilling of a party not in int. cannot be said
agt. him in interest.

Want of priority of title. Between 1744 and 1751 is
a period of uncertainty. Art. 24. By Legatee
of Leviathan.

But the size & weight a not material in a
round & domed. Ex. If he does not show that
the size may apply to his need, if he does not
show a suit framing - or a cause of utilization -
Pet. 154.5. Finch 214. 2 N.Y. 395 599. 2 Ark. 388. 1 Penn 204.

The restoration of the debt may be a ground of demand, or if the debtor may subject him to a penalty or forfeiture, or regard a little equal in respect to people, tho' not perfect at law. Art. 157. 162. 3 Cor. 245. 1 Eq. Ca. Ab. 15-10. —

2. gr. I called upon to advise a previous one
Mic. 57-8. 182a 246. 3. P. 451. 17th 450. 2 P. 393. Linch 72
3. C. M. 376.

of Debt is rotated to the Master; and Debt is perfectly mine in his bills; Debt is engaged to make reserv^u Art. 158. 1 Rev. 60. - I left by his own agreement is bound to a payment in value of a property in the event of is done as in Art. 159. And I left how concerned not a place or service to the service he is bound to it, peraltro notwithstanding. - Art. 158. 1 Rev. 60. n^o 8.

No. when the money made subject him to a
penalty of 100. & whether a cause has been
specified without licence. Art. 160. 1 Clas. 58. 2 Art. 392.
2 Clas. 263. 1 Eng. Clas. 181.

Since if poly alone is entitled to the protection
and waves it by bill. Art. 161. 1 Clas. 58. 2 Art. 393.

Bill can come to make disco & which would subject
him to any thing in the name of a penalty —
Q. In Eng. whether he was educated a protestant
Art. 161. 2 Clas. 457.

If sup. has an equitable title, quit to poly, tho' not
defect at law; he is not bound to discover the defect
in it — If the fact so appears in the bill; dim. will
hold. Art. 162. 2 Clas. 450.

On a bill for disco & for disco only some ground
of dim. which would extend as well to disco no relief
in a bill for paying relief will not hold. Thus dim.
for want of protection will not hold to bill for paying
disco only — If it wants no dim. no in general
for want of cause in the case; for some reasons now
because the bill extends the disco sought to put
of the controversy only — Art. 163.

concerning ~~Private Bills not signed~~ Private bills in
the nature of original
bills of the value given under the former general
division, will apply to this. Art 163-4.

If a ~~substantiel~~ substantial bill is lost where the original
might be perfected by amendment, the bill held
Art. 164. 3, art. 812.

Loss of a ~~substantiel~~ substantial bill not held for want of ~~value~~ value
for ~~value~~ is brought into the by the original bill
and a new bill is generally a mode of defence.
Art. 165. Rand. 160. 3, art. 812.

Any variability in the form of a bill of any sort is
a ground of demurrer. 22. 68. 3. art. 809. Rand. 56.

Persons are ~~not~~ to make out a bill of any
kind for ~~value~~ value. Art. 170.

57
I doth answer to any part of a bill to which he has
consented; to waive the benefit of the command of
the planks to the manner in remonstrance given to the
bill shall answer to and to the waiver of a plea bill
of his not produce testimony and thus proceed
to a hearing. Art. 171. 2 C. W. 79. 2 Ch. 57. 282.

Regularly, to a waiver to the whole bill has been
allowed, there can be no amendment. Art. 174. 15.

But after concurrence allowing 5 parts of a bill, the
whole may be amended. For see the suit ordinances
in note. Art. 174.

6. amendments against parts of from, the whole is not
to be a new bill — some of the parts have been reduced
below it. Art. 174-5. 2 Ch. 60. 133. 2 Ch. 125. 417. 441.

2 R. 120.

After the bill is not concerned the whole of a case,
bill of fully disallowed, not except a remonstrance, and
must not be a bill in which he may allege that

Ap. 1st. 176. No. 128.

To ⁱⁿ many cases what constitutes a good cause
by way of plea, must be a good cause of resistance
if it appears in the bill. See 176. 128. 128. 226.

II. Of Plas. - First to original bills - Secondly to
other bills. Act. 176.

First - To original bills - These are of two kinds: 1. Debt
to re lief - 2. To Discovery - Act. 176.

1. To Relif -

From the objection to the bill is not granted in the bill, the
bill must, if he would take relif of it, do to the court
by process or answer, the bill matter which creates the ob-
jection - Act. 177 -

To plas is a sort of general answer when the objection bill
is not granted - The plea which is proposed by a
pla must be such, as avoids the objection in a part of
it in a single bill - It avoids when a part of
it is not granted, a general objection which should be
by way of answer. (Act. 177. 204-5. Conn. Co. 128. 226. 227)
In a pla the hearing, in the bill is generally al-
i. e. without pla or answer -

Pleas of 3 sorts - 1^o To the jurisdiction - 2^o To the person of party in suit. - 3^o In law of the suit.
Art. 177-8.

The objections which may be made, by plea, to the suit for sued, are nearly, tho' not precisely the same as those, which are the subject of summons when the ground of objection is apparent on the bill.

Art. 178.

The principal defences refer to be made by plea are the following -

1^o That the subject of the suit is not within the jurisdiction of a court, i.e. over suit of equity. This is called a plea not to the jurisdiction but in bad; because it does not over ^{the} particular ignorance of the plaintiff court of equity applied to cut that the principles of equity extend to the suit.
Art. 178, 9, 180-1. It goes to the merits -

2^o That some other court properly has the jurisdiction - This is a plea to the jurisdiction -
Art. 178, 9, 180, 181, 203, 1, 204, 59, 218.

3rd. The polo is described to be, by reason of personal
disability - Ex. extinguishing - slavery, attaining &c -
M. 178. 185. 1. Rom. 13. 2. L. 104. 2. M. 399. 4. P. 51 -
This is called a polo in value of a polo in abolition
M. 179. 185.

4. The polo is not the person in debts to be; so some
one extinguishes the debts which he owes. Ex. that
he is not in debt M. 178. 183. 9. 1. Rom. 472 -
This is called a polo in debt. M. 179 -

5. But both have interest in the subject. M. 178. 183 -
This also is a polo in debt. S. 179. 183. 2. 3. 4. 5. 6. 7. -
It extends as well to discess as to polo. M. 179 -

6. ⁷ The polo is not liable to be called when, touching
the subject in question: as when there is a series of
debts of little value between A & B. M. 178. 7. 183 -
This is a polo in bar also - - - - - S. 179 -

7th That deft is not the person to whom is alleged to be
or does not sustain the character, in which he is sued.

Art. 192.

This is a plea to the person of defendant. P. 179 —

8. — That deft has no such an interest in the subject
as to render him liable to prosecution — (Read
in law. Art. 193. 1 Wes. 426. But generally in
such cases a disclaimer is proper. P. 193 —

9. — That for some reason, founded on the evidence
the court finds deft not liable to be stricken —
A plea in ba. P. 179. 194. Ex gr. A person sued
on order of the court by which the title of the parties
are determined — 2 Wes. 596.

of Pls cont'd

or that is the bill for same cause has been compromised
Art. 194. 1. Com. 3rd.

But the cause is not placed in the final one
as it is in Art. Art. 195. 2. Pls. 457.

and so much of the former proceedings must be set
forth, as to show that the same point was then in issue
Art. 195. 2. Art. 600. 2. Pls. 577.

In order of applying a final bill for same cause, and
to be inserted in law, only when the court has determined
that Pls had no title to the subject-matter of cause,
a summons for want of title is not in Art. 195
1. Art. 571. 2. Art. 510. 3. Art. 508.

It is better for another court of equity, determining the
rights in question, to give title in law Art. 197. 3. Bro.
p. 1. 584.

It is better not to give title in the cause in another court
of equity for the cause concerned is not placed in the final
hand. Art. 197. 8. 3. Art. 592. 593.

and may say that the ~~first~~ ^{first} suit is filed on the theory
the cause started, as we latter. Ex. A. left with good
of the ~~prob.~~ ^{prob.} pending the suit, to 'B' who came for
his part - One of the first suit pending will hold.
Mot. 199. 1 Eq. Cas. Abb. 39 -

But the payment of a sum of money, in consideration of a
certain sum of money due, is in general a good title
in law to a bill in equity for the same amount. *Met. 200. 800. 2000.*
3. 200. 800. 4. P. M. 200. 2. M. 200.

Debt of an accrued is paid in law of a bill for amount
but it must show the balance. *Met. 900. 1000. 180. 6000. 6.*
2. M. 500.

An release may be pleaded in bar of a bill, at law - but
it is said, that a release must state the consideration
upon which it was made. *Met. 919. 3 L. & 345.*
2. M. 100. Hand. 158. 3 M. & C. 6. 365.

The debt of pepares - in some instances, the title of
complaints - and charter may be pleaded in law, and
in Eq. T. ac. & L. Law. *Met. 210. 214. 2. 100. 50. 200. 1. 60. 2. 400.*
500. 4. P. M. 770. 6. P. S. 3. 69. 2. M. 390. -

that you have a right claim to the performance of a contract
of carriage & you may perform the fifth clause
of your bill of lading in that - the purchase
of ~~freight~~, without ~~order~~ of the ~~Master~~. Art. 2.5. Sec. 1. Art. 37.
630. 2. Art. 3.51. 3. Art. 2.51. 1. Art. 2.56.

The administration of the law to measure the purpose
of complete justice, may be violated by law. This
objection is usually founded on the want of proper
process. Art. 220. 1. Sec. 110. 2. Art. 51.

2. Of Pleas to Discovery only.

1. - That the ca. is not such as to entitle the court
of equity to give one a permission to cross-examine?
Art. 222.

If the case comes upon the face of the bill, to be
of this objection, it may not be
Art. 222 - see also objection -

2. That Mr. Law has no interest - is not such - a matter
of interest of this first offense; revised, with bold
letter, Art. 222.3. Ex. 222.3. That Mr. Law is not an
accused, is not his 2 -

3. I Mr. Law has no interest in the first offense which is
in him is alleged in the bill to confess himself as
having the first as by accusation. Art. 223. 1 Art. 223.

4. Of the extension of the sentence imposed for 2
to compel a confession, he may make a defining
plea. Art. 223.4. 2. No 246. 1 Art. 14. - If the first is
alleged on the bill, he may confess. Art. 223. 2
he may pledge? 2

the case in which the plea is proper, and

1. When the accusing may subject him to punishment
of any kind. If then the accusing might tend to
prove a crime when after he is not bound to answer,
and if the fact is not apparent, he should plead it.
Act. 224. 297. 1. from 110. 2. 2. 245. — Ex. Will for
divorce of a marriage, which it discovered would
prove the guilt of indecency, or bigamy. — 3. Pro. P. 6. 55
3. 2. W. 3. 5. 1. 110. 32. —

2. When the accusing tends to unjust right, or a
defection of fact. — Ex. but for the accused will
marry. — Act. 160. 226. 1. 227. 526. 528. 1. Ex. 160. 227.
2. 2. 283. — If it is known in the fact, demur
will hold. — Act. 160. —

But not in such case as defection of the accused
or any other fact than that which would concern
the prosecuted. — Ex. in such instance the fact
accused will hold, as to the act of slavery being
done in life, but not to the same act. — 2. 226. 107.
— 3. 226. 7. —

But in cases of perpetrator, if perpetrator is entitled to the benefit of it, and makes it by his best, perpetrator is bound to make the discovery. Act. 27. May 30. —

3. The accused sought a fact, the accused of which accused required from the confidence reposed in him, a confession, all a confessor; he may make a discovery by pleading, that his knowledge was attenuated. Act. 227. 3. Ch. 27.

4th. That act is a penance for a malice malice without notice of perpetrator. He is a good penitent to avoid a discovery of his title. Ex. John Pinkerton acted malice, the offender being extinct. Malice of grade of a bastard, before he comes, and before notice of the humble beggar. Act. 288. 152. 1. Gen. 27.
2. Act. 227. 3. Ch. 27. —

Colonel Welles acted malice malice. Act. 19. 28. —

of the nature of the several modes of defense cont.
of Pleas - cont.

Secondly - Pleas to Bills other than original
None of the pleas to original bills, always
announced, will hold to the other kinds of Bills,
according to their respective, nature; and some
of the latter consist of pleas, which do not hold
to original bills. Art. 228.

If a bill of ~~mixed~~ is lost without sufficient cause
and this is not apparent; it may show it by proof
to, if the party is not the proper party. Art. 228-9.
or R. H. 248 -

If a ~~sub~~ ^{sub}original bill is lost when written, and
was before the original bill filed, and this is not
shown, it may plead it. Art. 229, 230.

~~An~~ cross-bill is not liable to any plaint and
not held to any original bill - in virtue of the original
bill. Act. 230.

And it is not liable to pleas to the jurisdiction of the
court, nor to pleas to the process of plaint - unless
exhibited 'in the name' of some lett alone, who cannot
sue alone, as an inf, joint court, etc, or banquet.
For plaint in the original bill, has submitted to the
jurisdiction and obliged the defend. Act. 230.

In pleading there must be generally the same scripture
as to substance, at least, in equity, as at law. Act. 232
2. 2d. 632. -

If a plea is not intended to cover the whole bill,
it must express to what part it extends. Act. 232.
3. 2d. 70. Morley. 40. 2d. 108. -

It seems that a plea ought not to contain more than one prise - Double plea informal & improper.
Art. 283. 5. 5. 1 C. H. 28. 3. 20. 341. —

But a plea may be allowed in part and overruled in part - i.e. it may be allowed as to part of the bill coupled by it, and overruled as to the rest -
Art. 283. 5. 20. 28. 2 C. 54. 100. 284. 3 C. 587. 1 C. 222.
20. 284. 20. 284.

The verdicts ought in part to be positive, as at law, exception in certain cases - Ex. That an acc't balanced is just, according to the best of his knowledge and belief, so in case of negative verdicts; and verdicts of facts not within his knowledge immediately. Art. 285. 6. 20. 284.

It would be most welcome and interesting
to you! (Ms. 255) Gill. Ch. 28

If the bill contains any charge which bring ~~any~~
~~any~~ would defeat the effect of the decree matter
alleged in the plead, the charge must be conceded
not only by the plaintiff, but by defendant also. In this
case the answer is used merely to contradict the plead.
It is not a general answer, notwithstanding a distinct
defence) - Act. 236, 7. 237. 242. 3. 26th. 504. 815. 3 P. W. 145
3 Bom. P. C. 373. 374. 2 wh. 241 - 1st named in the
Practice -

But if the plea is accorded by consent to any
part of the bill coured by the plea i.e. to one
part of which the plea is in accordance it over-
rules the plea & Kit. 237-8. 204. 14. 2. 104. 155. 2 Bro.
P. C. 20-1 -

Or, if neither party wishes to try its sufficiency
in the first instance, plaintiff may take issue upon
it, without a decision upon its sufficiency. Id. 240.

As to the effect of allowing a plea simple —
allowance requires the benefit of it to the hearing
— and ordering it to stand for an answer,
see. Mit. 239, 243 —

Plege by application to the plea, admits its suffi.
— Therefore he takes issue upon it, and defends
because it true; the suit, so far as the plaintiff
intends, is barred, that the plea itself is not good.
Mit. 240-1. 2 Vd. C. 74. 3 P. W. 94. 95 — —

Of Owners and Disclaimers.

The party is entitled to rely on the facts
stated by the party of answer. Art. 244. C. L. N. 92.
Stat. 450.

The written part of the bill is not covered by disclaimers.
It shall be covered by cross-complaint
disclaimers. Art. 244.

If you in the bill are called as a witness or expert,
he can object to your being a witness, and it be not
overruled, you are to be examined as follows; he may
ask, in his cross-complaint, that he is not bound to
make deposition. Art. 244. C. L. N. 92. Stat. 451. 8 Stat. 275.

In this case, if you are to be examined, he may ask,
and when this question is put, it shall not be answered, but for
the right to cross-complaint examined, in Art. 245.

If several violent germs of species; all go in bad, quiet; debt should state them by way of names instead of folios; and may have the same adv^d of them as is granted in law, Art. 245. 6. 1. 8th. 34.
2 P. 7. 145.

To so much of the Toll, as is material, debt must answer quietly; he must confess or deny the substance of each charge. Art. 246-7-

Testament and Death Duties may be settled privately as any other debts or charges. Art. 247. 2. 1. 8th. 34.

As to harmful states as they are referred to the right way, it will be an affidavit to the right way to be affirmed - as of any other affidavits, the nothing else but the affidavit. Art. 248. Monday 10. 4. 1. 8th. 34.

The second article begins with a summary of all expenses to the bill. & then gives particular accounts to the several charges, amounting of a total of £1000, a confirmation of them with witnesses, by way of evidence on 10th. Oct. 1749 -

It concludes with a general account of all the money contained in the bill. This is very large and it is hard if the whole before mentioned, is to account. At 249. 8. 11. 17. 80. -

There is nothing, we answer, so proper to be done by a committee as this, as the committee of expenses to the bill and the several charges, in the conclusion, are entitled. So he is entitled to the benefit of every exhalation, of course, and the same cannot be expected to go inefficiency. At 250. -

The review of any bill in Committee is proposed
to be by the committee, or by the power of ~~any~~ ^{any} member
of the ~~committee~~ ^{the} ~~power~~ ^{the} ~~jurisdiction~~ ^{jurisdiction} by the court. Art. 250.

Amendments are allowed except when taken
by ~~any~~ ^{any} member. Art. 250.

If both branches of the house to be in session
i.e. not full and except the majority to de-
cide any such point of the bill, as the committee and
not unanswered, and passing, shall determine, as
to these points make a ~~first~~ ^{first} concurrence. Art. 250.

Each branch may for the time being direct
one of three of the bills, and then answer to the
other branch, in front of the members of the
~~original~~ ^{original} bill. Art. 250. 2. Art. 250.

The self-same objection allight and bill to be introduced in my favor of it. But a declaration, can hardly be said without an answer. For a declaration is only a kind of general intent. The self-same, cannot bind an inferior, and especially of it; now an answer is generally necessary, especially to controvert the fact.

Art. 254.

The form of a declaration is, that self-same, allight and little to the subject宣言. Art 252.

The declaration can be of no effect, unless the court make in general an declaration, according the bill of case. Art. 254. & 256. 259.

Self-same, cannot be in front of the bill. Please to consider, cannot be another - and relations are to another. It is then, must, respectively, refer to different and different parts of the bill. In the former, belong to that it has sent to, now cannot very easily be called to be given, or presented. The common property, is, whether it is common any the way; and the local, whether he will make any the way. For an

claim, by service, which he has once obtained. Art. 284.
2. By C. C. 284. -

Art. 285. - Service, then comes after a summons and
service in order - Art. 284. -

Replications.

A replication is often given to a plea or answer.
Art. 285. -

Replication is given usual for plea having been made
to a special matter alleged in the plea or answer;
and for that it is not admissible to serve the plea or
answer privately. Art. 285. -

The consequence of this practice, was, frequently, a
long train of special pleadings, which was found
inconvenient in the proceedings - Art. 285.6. Times 284.

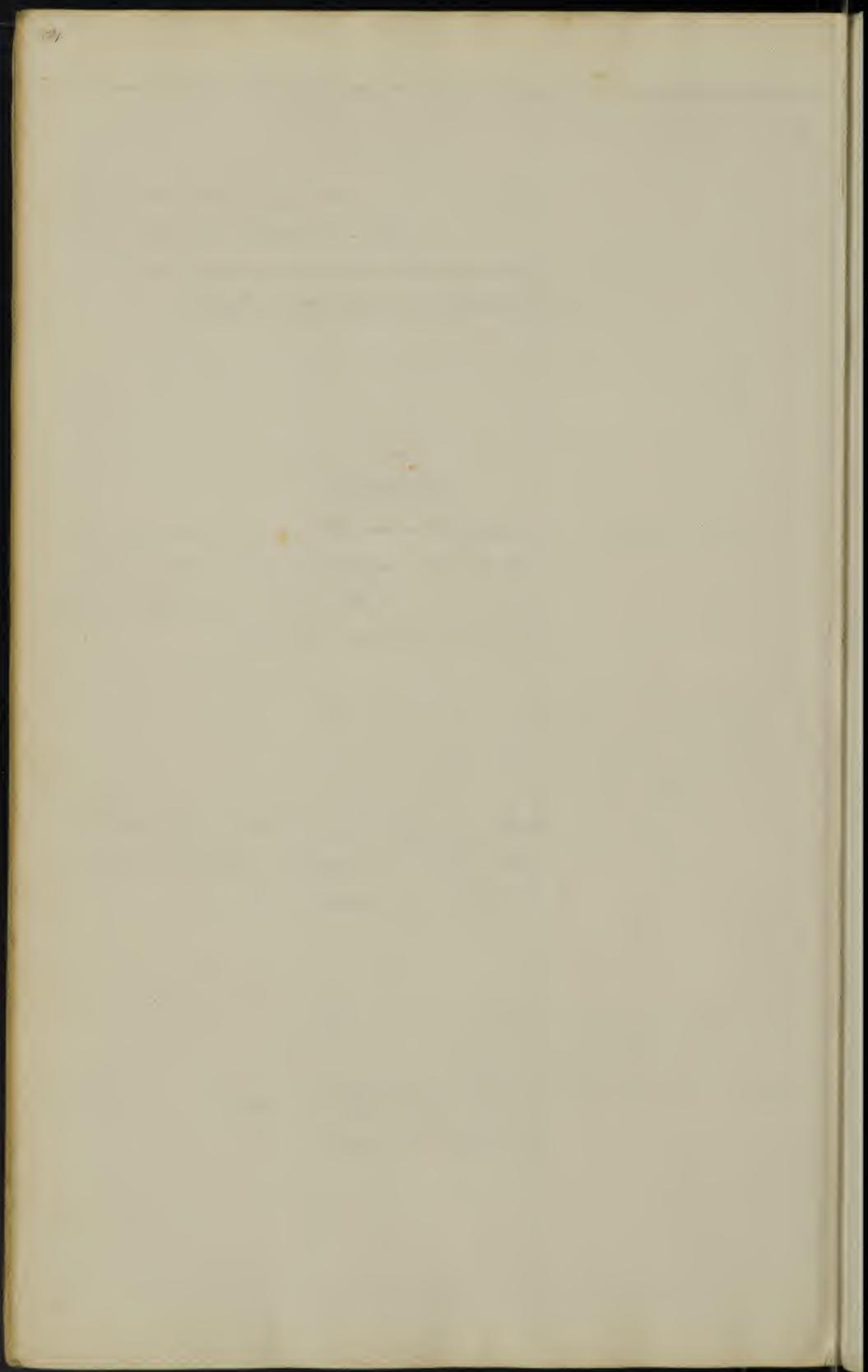
80.

The legislature is now called. Special applications are not
of much use, for it is to be retained according to the
form of the bill, whatever new matter, & it may have
alleged. H. 255. H. 284. 5. 1 Rec. 581.

— After viewing the form and contents, it is to
be left as it is and properly adapted to his case. he may
amend it, and to the bill, thus amended, it may make
new expenses. H. 256. 2. H. 285.

The general application now is to that bill "6. 6. is
true certain, and sufficient and that the bill is in order
connection and in order. H. 285. 6.

if it is not apply at all, the place or cause is left
to be left. H. 285. 4.



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